

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 02-285
ACTION AGAINST)	
)	
Citizens for Support of Yelm Schools)	Notice of Administrative
and Janice R. McIntyre, Treasurer)	Charges
Respondents.)	
)	

IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05 RCW, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.040 states, in part: “(1) Every political committee, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor or elections officer of the county ... in which the treasurer resides ... (2) The statement of organization shall include but not be limited to: ... (i) The street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW 42.17.080 ...”

RCW 42.17.080(2) states, in part: “At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters...a report containing the information required by RCW 42.17.090: (a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and (b) On the tenth day of the first month after the election...and (c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.”

RCW 42.17.080(3) states: “For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.”

RCW 42.17.080(5) states, in part: “As specified in the committee’s statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection as follows: (a) For at least two consecutive hours between 8:00 a.m. and 8:00 p.m. on the eighth day immediately before the election, ... (b) By appointment for inspections to be conducted at the designated place

for inspections between 8:00 a.m. and 8:00 p.m. on any other day from the seventh day through the day immediately before the election, ...”¹

RCW 42.17.090(1) states, in part: “Each report required under RCW 42.17.080(1) and (2) shall disclose the following: (a) The funds on hand at the beginning of the period; (b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year... (d) All other contributions not otherwise listed or exempted ... and (f) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, and the amount, date, and purpose of each such expenditure...”

III. **BACKGROUND**

On January 29, 2002, the Public Disclosure Commission (PDC) staff received a complaint from Harold Chambers alleging that the Citizens for Support of Yelm Schools (CSYS) sent out a campaign flyer in support of the February 5, 2002 Yelm School District ballot propositions and failed to file the required reports with the PDC. CSYS is a political committee and Janice McIntyre is the committee’s treasurer.

For several years, the Yelm School District has submitted a maintenance and operations (M&O) levy to the voters during the even numbered year. In 2002, the District proposed both an M&O levy and a construction bond proposal. The CSYS first registered with the PDC in 1982. The CSYS supports the Yelm School District’s ballot propositions. A new committee registration statement (C1-pc) is required within two weeks of the start of each new campaign, and reports of contributions and expenditures are required during each campaign.

¹Prior to a revision by the 1999 Legislature, the period for public inspection occurred every day for a period of eight days prior to the election during two consecutive hours between 8:00 AM and 8:00 PM that were designated on the C-1pc.

IV. **FACTS**

These charges incorporate the Report of Investigation and all of its exhibits by reference.

On January 29, 2002, the PDC received a complaint from Harold Chambers alleging that the CSYS was in violation of RCW 42.17.040, 42.17.080 and 42.17.090 for failing to file reports with the PDC during its support of the Yelm School District's 2002 bond and levy election.

The CSYS is a political committee required to report its activities supporting the ballot propositions of the Yelm School District. While investigating the complaint, PDC staff learned that the CSYS failed to file committee registration statements, C-3 and C-4 reports for contributions received and expenditures made in support of Yelm School District ballot propositions during 1998, 2000 and 2002, as follows:

- an M&O replacement levy, rejected on February 3, 1998;
- an M&O replacement levy, approved on April 28, 1998;
- an M&O replacement levy, rejected on February 1, 2000;
- an M&O replacement levy approved on April 25, 2000;
- an M&O replacement levy approved on February 5, 2002; and
- a concurrent bond proposal that was rejected on February 5, 2002.

Janice R. McIntyre has been the committee's treasurer since 1984 and was the treasurer during each of the campaigns from 1998 through 2002. Upon receipt of the complaint, Ms. McIntyre contacted the PDC staff and stated that she would file all missing reports. During the week ending March 9, 2002, Ms. McIntyre filed the missing C-3 and C-4 reports for the February 5, 2002 election. The reports for the 1998 and 2000 elections were filed April 1, 2002. Ms. McIntyre was asked to provide an explanation for the missing reports, but provided no

explanation. In addition, she was unable to provide an explanation when interviewed during the investigation. The Co-Chair of CSYS, Glenn Blando, had no explanation for the missing reports. He was unaware that the reports were not being timely filed by the treasurer. By not filing a C1-pc for each election, the CSYS failed to state the time and place where its records could be viewed during the eight days preceding each election.

February 3, 1998 M&O Election –

The CSYS raised \$6,198 and spent \$6,701. The C-3 and C-4 reports were filed between 1,483 and 1,603 days late. A C1-pc was not filed.

April 28, 1998 M&O Election –

The CSYS raised \$5,877 and spent \$5,836. The C-3 and C-4 reports were filed between 1,421 and 1,473 days late. A C1-pc was not filed.

February 1, 2000 M&O Election –

The CSYS raised \$9,126 and spent \$6,079. The C-3 and C-4 reports were filed between 761 and 1,361 days late. A C1-pc was not filed.

April 25, 2000 M&O Election –

The CSYS raised \$4,550 and spent \$8,941. The C-3 and C-4 reports were filed between 658 and 738 days late. A C1-pc was not filed.

February 5, 2002 M&O and Bond Election –

The CSYS raised \$14,394 and spent \$12,295. The post election C-4 report was filed timely. However, the C-3 and the C-4 reports due before the election were filed after the election and were filed between 37 and 448 days late. A C1-pc was filed 468 days late, and was filed after the election.

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Following is a chart showing the filings for the CSYS for the 1998, 2000 and 2002 elections.

<u>Date of Election</u>	<u>Contributions</u>	<u>Expenditures</u>	<u>Type Reports Due</u>	<u>Days Late</u>	<u>Comments</u>
2/3/98	\$ 6,198	\$ 6,701	C-3 & C-4	1,483 – 1,603	
4/28/98	\$ 5,877	\$ 5,836	C-3 & C-4	1,421 – 1,473	No C1-pc filed
2/1/00	\$ 9,126	\$ 6,079	C-3 & C-4	761 – 1,361	No C1-pc filed
4/25/00	\$ 4,550	\$ 8,941	C-3 & C-4	658 – 738	No C1-pc filed
2/5/02	\$14,394	\$12,295	C-3 & C-4	37 – 448	C1-pc 468 days late. Post election C-4 timely.
Totals	\$40,145	\$39,853	C-3 & C-4	37 – 1,603	

In addition, during the four months preceding the elections in 1998, 2000 and 2002, the CSYS failed to file C-3 reports of contributions received on a weekly basis, as required by RCW 42.17.080(3).

V. **CONCLUSION**

Staff alleges, based on the facts specified in Section IV, that Citizens for Support of Yelm Schools and Janice R. McIntyre violated RCW 42.17.040 by failing to file a new committee registration statement within two weeks of the start of the committee's campaigns to support the Yelm School District's ballot propositions for the February 3, 1998, April 28, 1998, February 1, 2000, April 25, 2000 and February 5, 2002 elections. By failing to file a new committee registration statement for each election, interested persons were denied the ability to review the campaign records of the CSYS during the eight days preceding each election, in violation of RCW 42.17.080.

Staff alleges that CSYS and Janice R. McIntyre violated RCW 42.17.080 and 42.17.090 on multiple occasions by failing to timely file reports of contributions and expenditures during the Yelm School District's ballot proposition elections held in 1998, 2000 and 2002. This included

the failure to file C-3 reports of contributions received on a weekly basis, as required by RCW 42.17.080.

The amount reported for the 1998, 2000 and 2002 elections totaled \$40,145 in contributions and \$39,853 in expenditures.

RESPECTFULLY SUBMITTED this 30th day of April, 2002.

Philip E. Stutzman
Director of Compliance